



## **ORDINANCE NUMBER 2643**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW PARKING AS A PRIMARY USE ON THE WESTERN 3.8-ACRE TRACT LOCATED AT 4455 LBJ FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 40 (PD-40) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the

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public health, welfare and safety, said change in zoning should be made;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 2.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow parking as a primary use on the western 3.8-acre tract located at 4455 LBJ Freeway within Planned Development No. 40 (PD-40) zoning district (hereinafter the "Property"), subject to the terms and conditions contained herein..

**SECTION 3.** That all parking facilities on the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 40 (PD-40) zoning district and in accordance with the approved site plan attached as Exhibit "A", including the following conditions:

1. The owner or occupant of the Property shall maintain the landscaping in accordance with landscaping requirements provided for within the Comprehensive Zoning Ordinance.
2. The owner of the Property shall enter into a shared parking agreement with the owner of the adjacent 5.9 acre tract directly to the east of the Property, in a form acceptable to and approved by City staff.
3. The owner of the Property shall provide a cross access, fire lane and parking easement in favor of the adjacent 5.9-acre property to the east, in a form acceptable to and approved by City staff.
4. The owner of the Property shall replat the Property in accordance with the associated site plan and the concept plan associated with the companion PD-40 zoning amendment.

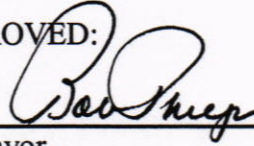
**SECTION 4.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**SECTION 5.** In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage as the law in such case provides.

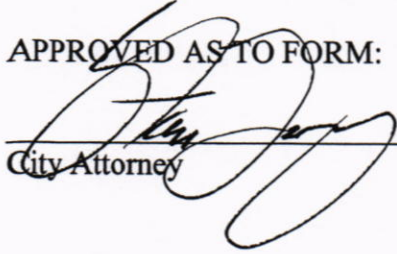
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS,**  
on this the 11 day of November, 2001.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:

City Secretary



